

Lionel Z. Glancy (SBN 134180)  
Robert V. Prongay (SBN 270796)  
Charles H. Linehan (SBN 307439)  
GLANCY PRONGAY & MURRAY LLP  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067  
Telephone: (310) 201-9150  
Facsimile: (310) 201-9160  
Email: rprongay@glancylaw.com

*Counsel for Plaintiff Kenneth Bristow and  
Co-Lead Counsel for Lead Plaintiffs and the Class*

[Additional Counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUNPOWER CORPORATION  
SECURITIES LITIGATION

Master File No. 3:16-cv-4710-RS

CLASS ACTION

**STIPULATION AND [PROPOSED]  
SCHEDULING ORDER**

1 WHEREAS, on August 16, 2016, Plaintiff Kenneth Bristow filed a complaint in this  
2 Court alleging claims under the federal securities laws against Defendants SunPower  
3 Corporation, Thomas H. Werner, and Charles D. Boynton (collectively, “Defendants”) (*see* Dkt.  
4 No. 1, *Bristow v. SunPower Corporation, et al.*, No. 16-cv-04710-RS);

5 WHEREAS, on August 26, 2016, Plaintiff Jay Patel filed a related action alleging claims  
6 under the federal securities laws against Defendants (*Patel v. SunPower Corporation, et al.*, No.  
7 16-cv-04915-WHO);

8 WHEREAS, on December 9, 2016, the Court consolidated the related actions, Mundeog  
9 Seol was appointed as lead plaintiff, and his selection of Brower Piven, P.C. as lead counsel and  
10 Finkelstein Thompson, LLP as liaison counsel for the class was approved pursuant to the  
11 Private Securities Litigation Reform Act of 1995 (the “PSLRA”) (*see* Dkt. No. 52);

12 WHEREAS, on February 23, 2017, the Court entered an order granting then-Lead  
13 Plaintiff Mundeog Seol until March 31, 2017 to file a consolidated complaint (Dkt. No. 57);

14 WHEREAS, on March 31, 2017, then-Lead Plaintiff Mundeog Seol moved to withdraw  
15 from this action (Dkt. No. 58);

16 WHEREAS, on May 15, 2017, the Court granted Mundeog Seol’s motion to withdraw,  
17 and reopened the PSLRA lead plaintiff appointment process (*see* Dkt. No. 66);

18 WHEREAS, on July 21, at the conclusion of the new PSLRA lead plaintiff motion  
19 period, two motions for appointment as lead plaintiff were filed: one by the SunPower Investor  
20 Group (Dkt. No. 74), and one by JianFei Huang and Gregory Binkiewicz (“Huang and  
21 Binkiewicz”) (Dkt. No. 70);

22 WHEREAS, on August 4, 2017, the SunPower Investor Group filed its opposition to  
23 Huang and Binkiewicz’s lead plaintiff motion (Dkt. No 77), and Defendants filed their response  
24 to the lead plaintiff motions, stating “Defendants take no position as to whom the Court should  
25 appoint as a new lead plaintiff and/or lead counsel” (Dkt. No. 76);  
26  
27  
28

1 WHEREAS, on August 8, 2017, Huang and Binkiewicz filed their opposition to the  
2 SunPower Investor Group's lead plaintiff motion (Dkt. No. 78);

3 WHEREAS, on August 10, 2017, Huang and Binkiewicz withdrew their motion for  
4 appointment as lead plaintiffs (*see* Dkt. No. 79);

5 WHEREAS, on August 21, 2017, this Court appointed the SunPower Investor Group  
6 members as Lead Plaintiffs, and approved Lead Plaintiffs' selection of The Rosen Law Firm,  
7 P.A. and Glancy Prongay & Murray LLP as Co-Lead Counsel (*see* Dkt. No. 82);

8 WHEREAS, this case involves complex factual issues, and is subject to a heightened  
9 pleading standard under the PSLRA;

10 WHEREAS, Lead Plaintiffs intend to file a consolidated complaint to ensure diligent  
11 prosecution of this action;

12 WHEREAS, Defendants anticipate filing a motion to dismiss the consolidated  
13 complaint;

14 WHEREAS, there is currently no schedule in place for the filing of a consolidated  
15 complaint or the filing of a motion to dismiss, and the parties hereto desire to establish such a  
16 schedule;

17 WHEREAS, counsel for Lead Plaintiffs and counsel for Defendants have conferred  
18 regarding an appropriate schedule for the filing of a consolidated complaint and a motion to  
19 dismiss, and Defendants agreed to a schedule that accommodates the expected birth (in mid-  
20 September) of the first child of one of the primary Glancy Prongay & Murray LLP partners  
21 handling this case, and additionally, prior commitments of the various counsels.

22 THEREFORE, IT IS ACCORDINGLY STIPULATED AND AGREED, by and  
23 between the undersigned counsel for the parties, and subject to the Court's approval, as follows:

- 24
- 25 1. Lead Plaintiffs shall file a consolidated complaint by October 17, 2017;
  - 26 2. Defendants shall answer, move or otherwise respond to the consolidated  
27 complaint by December 18, 2017; and
- 28

3. If Defendants file a motion to dismiss the consolidated complaint, Lead Plaintiffs shall file an opposition to the motion to dismiss by January 26, 2018, and Defendants shall file a reply to Lead Plaintiffs' opposition by February 27, 2018.

Dated: August 25, 2017

**GLANCY PRONGAY & MURRAY LLP**

By: s/Robert V. Prongay

Lionel Z. Glancy

Robert V. Prongay

Charles H. Linehan

1925 Century Park East, Suite 2100

Los Angeles, California 90067

Telephone: (310) 201-9150

Facsimile: (310) 201-9160

Email: rprongay@glancylaw.com

*Counsel for Plaintiff Kenneth Bristow and Co-Lead  
Counsel for Lead Plaintiffs and the Class*

**THE ROSEN LAW FIRM, P.A.**

Laurence M. Rosen

Phillip Kim

275 Madison Avenue, 34th Floor

New York, New York 10016

Telephone: (212) 686-1060

Facsimile: (212) 202-3827

Email: pkim@rosenlegal.com

*Co-Lead Counsel for Lead Plaintiffs and the Class*

1 Dated: August 25, 2017

**WILSON SONSINI GOODRICH & ROSATI**

2 By: s/ Steven M. Schatz

3 Steven M. Schatz

4 Diane Marie Walters

5 650 Page Mill Road

Palo Alto, California 94304

6 Telephone: (650) 493-9300

7 Facsimile: (650) 493-6811

Email: sschatz@wsgr.com

dwalters@wsgr.com

8 *Counsel for Defendants*

**ATTESTATION**

I, Robert V. Prongay, am the ECF User whose identification and password are being used to file this Proposed Order of Consolidation. In compliance with Local Rule 5-1(i)(3), I hereby attest that Counsel for Defendants concur in this filing.

DATED: August 25, 2017

/s/ Robert V. Prongay  
ROBERT V. PRONGAY

**[PROPOSED] ORDER**

Based on the foregoing stipulation, and the good cause shown therein, the Court GRANTS the parties' stipulation. The Court Hereby orders as follows:

1. Lead Plaintiffs shall file a consolidated complaint by October 17, 2017;
2. Defendants shall answer, move or otherwise respond to the consolidated complaint by December 18, 2017; and
3. If Defendants file a motion to dismiss the consolidated complaint, Lead Plaintiffs shall file an opposition to the motion to dismiss by January 26, 2018, and Defendants shall file a reply to Lead Plaintiffs' opposition by February 27, 2018.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Richard Seeborg  
U.S. District Court Judge

**PROOF OF SERVICE BY ELECTRONIC POSTING**

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On August 25, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Northern District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 25, 2017, at Los Angeles, California.

s/ Robert V. Prongay  
Robert V. Prongay



# Mailing Information for a Case 3:16-cv-04710-RS In Re Sunpower Corporation Securities Litigation

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **George Carlos Aguilar**  
GAguilar@robbinsarroyo.com, Notice@robbinsarroyo.com, rsalazar@robbinsarroyo.com
- **Lionel Z. Glancy**  
info@glancylaw.com, lglancy@glancylaw.com
- **Michael Goldberg**  
michael@goldberglawpc.com
- **J. Alexander Hood , II**  
ahood@pomlaw.com
- **Reed R. Kathrein**  
reed@hbsslw.com, peterb@hbsslw.com, brianm@hbsslw.com, sf\_filings@hbsslw.com
- **Phillip C Kim**  
pkim@rosenlegal.com
- **Jeremy A Lieberman**  
jalieberman@pomlaw.com, disaacson@pomlaw.com, abarbosa@pomlaw.com, lpvega@pomlaw.com
- **Charles Henry Linehan**  
clinehan@glancylaw.com
- **Adam Christopher McCall**  
amccall@zlk.com
- **Jennifer Pafiti**  
jpafiti@pomlaw.com, kmsaletto@pomlaw.com, disaacson@pomlaw.com, abarbosa@pomlaw.com
- **Lesley F Portnoy**  
lportnoy@glancylaw.com
- **Robert Vincent Prongay**  
rprongay@glancylaw.com, info@glancylaw.com, echang@glancylaw.com, bmurray@glancylaw.com
- **Rosemary M. Rivas**  
rrivas@zlk.com, qroberts@zlk.com, ebigelow@zlk.com
- **Quentin Alexandre Roberts**  
qroberts@zlk.com, twarren@finkelsteinthompson.com

- **Laurence M. Rosen**  
lrosen@rosenlegal.com,larry.rosen@earthlink.net
- **Brian Schall**  
brian@goldberglawpc.com
- **Steven Mark Schatz**  
sschatz@wsgr.com,ctalpas@wsgr.com,eblackey@wsgr.com
- **Diane Marie Walters**  
dwalters@wsgr.com,vshreve@wsgr.com

## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Howard**                      **G. Smith**  
Law Offices of Howard G. Smith  
3070 Bristol Pike, Suite 112  
Bensalem, PA 19020